

**FILED**

**JUL 28 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON**

**U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GARY LEE MORRIS,

Defendant - Appellant.

No. 02-50437

D.C. No.

CR-01-00641-NMM-01

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Nora M. Manella, District Judge, Presiding

Submitted July 10, 2003\*\*  
Pasadena, California

Before: SILVERMAN, W. FLETCHER, and RAWLINSON, Circuit Judges.

The district court did not commit plain error during its Rule 11 plea colloquy. The district court specifically inquired whether Morris was using any

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

medications; extensively questioned Morris in order to evaluate his state of mind; and questioned Morris's counsel concerning Morris's ability to comprehend the proceedings. Morris also actively participated in the proceedings. As a result, Morris fails to raise a reasonable doubt regarding his mental competence to plead guilty. *See Miles v. Stainer*, 108 F.3d 1109, 1112 (9th Cir. 1997).

Due to an insufficiently developed record, Morris's ineffective assistance of counsel claim is "inappropriate on direct appeal." *United States v. McKenna*, 327 F.3d 830, 845 (9th Cir. 2003) (citation omitted).

**AFFIRMED.**